

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRUCE CORKER d/b/a RANCHO ALOHA;
et al.

Plaintiffs,

v.

MULVADI CORPORATION, a Hawaiian
corporation; *et al.*

Defendants.

CASE NO. 2:19-cv-00290-RSL

MOTION TO SEAL

Noted for Hearing: January 20, 2023

I. INTRODUCTION

Plaintiffs respectfully request the Court enter an order permitting Plaintiffs to file an unredacted version of its Motion for Sanctions against Buchalter P.C., along with Exhibits H-J and Exhibits 1-5 in support of that Motion, under seal.¹

¹ Exhibits H-J are attached to the Declaration of Nathan T. Paine. Exhibits 1-5 are attached to the Declaration of Lorraine Barrick.

II. FACTS

On September 18, 2019, this Court entered a stipulated protective order (the “Protective Order”), wherein parties were authorized to designate certain documents and testimony as “Confidential” or “Attorneys’ Eyes Only.” Dkt. 148. Pursuant to the Protective Order, Mulvadi designated a number of documents as at least “Attorneys’ Eyes Only”² pursuant to the protective order. *See* Exs. H-J, FILED UNDER SEAL; Exs. 1-5, FILED UNDER SEAL. Plaintiffs rely, in part, on these documents as a basis for their Motion for Sanctions against Buchalter. *See* Unredacted Motion for Sanctions Against Buchalter P.C., FILED UNDER SEAL.

On November 21, 2022, before Mulvadi petitioned for bankruptcy, Plaintiffs requested a meet and confer with Mulvadi pursuant to LCR 5(g) to discuss removing the confidentiality designations or to explore alternatives to filing under seal. Howard Decl. at ¶ 3. Plaintiffs further stated that Plaintiffs intended to file a motion that relied on the documents that were labeled as at least “Attorneys’ Eyes Only” and would move to seal if Mulvadi did not respond. *Id.* Mulvadi did not respond to the meet and confer request or otherwise indicate a willingness to remove the confidentiality designations. Howard Decl. at ¶ 4.

Days later, Mulvadi filed for bankruptcy resulting in a stay of these proceedings as to Mulvadi pending the outcome of its bankruptcy petition. Dkt. 711.

III. ARGUMENT

LCR 5(g)(3)(A) requires the non-designating party to meet and confer with the designating parties to minimize the material files under seal or explore alternatives to filing under seal.

² The exhibits derived from Mulvadi’s QuickBooks data included the Plaintiffs’ Outside Counsel Only designation as well.

1 Plaintiffs requested a meet and confer pursuant to LCR 5(g). Howard Decl. at ¶3. Plaintiffs stated
 2 they would move to seal if Mulvadi did not respond. *Id.* Plaintiffs received no response, thus
 3 necessitating this motion. *Id.* at ¶ 4.

4
 5 Defendant Mulvadi designated the documents found at Exhibits H-J and Exhibits 1-5 as
 6 “Attorneys Eyes Only” pursuant to the Protective Order entered in this case (Dkt. 148). *See* Exs.
 7 H-J, FILED UNDER SEAL; Exs. 1-5, FILED UNDER SEAL. Normally, Mulvadi must satisfy
 8 LCR(g)(3)(B) in response to this Motion to Seal for any documents that it wishes to keep under
 9 seal. *See* LCR(g)(3). But Mulvadi has petitioned for bankruptcy, which has stayed these
 10 proceedings as to Mulvadi only. Consequently, Plaintiffs propose that the Court relieve Mulvadi
 11 of that obligation and keep these documents under seal at least until the stay has been lifted and
 12 Mulvadi then has an opportunity to respond.

13 14 IV. CONCLUSION

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 16 Plaintiffs respectfully move to file Exhibits H-J to the Declaration of Nathan Paine,
 17 Exhibits 1-5 of the Declaration of Lorraine Barrick, and an unredacted version of the Motion for
 18 Sanctions, under seal.

19
 20 DATED this 5th day of January 2023.

21 KARR TUTTLE CAMPBELL, P.S.

22 /s/ Nathan T. Paine

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CERTIFICATE OF SERVICE

I, Sandy Watkins, certify that on January 5, 2023, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system.

s/ Sandy Watkins

Sandy Watkins, Litigation Assistant